

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS WS RICHEY,  
Plaintiff,  
v.  
JOHN ALDANA *et al.*,  
Defendants.

Case No. C05-5513 FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION  
DISMISSING ACTION WITH  
PREJUDICE


This civil rights action comes before the Court on the Report and Recommendation of the Magistrate Judge that Defendants' motion for summary judgment be granted and Plaintiff's action be dismissed, with prejudice. As noted by the by the Magistrate Judge, substantial authority establishes the constitutionality of the Defendants' actions and Plaintiff has not contradicted or responded to the motion.

Defendant's objection to the Report and Recommendation is confined to an assertion that the Court lacks jurisdiction to entertain the motion for summary judgment and would amount to double-jeopardy. Plaintiff's objection is without merit.

The Court, having reviewed Defendants' motion for summary judgment, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objection to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's motion is **GRANTED** and the action **DISMISSED, WITH PREJUDICE**.
- (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants who have appeared, and to the Hon. J. Kelley Arnold.

DATED this 27<sup>th</sup> day of February, 2007.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE